

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Icee Deasia Brown,

Plaintiff,

v.

Ronald J. Verbraeken and Roncar  
Transportation, Inc.,

Defendants.

Case No. : 3:22-cv-00634-CMC

NOTICE OF REMOVAL

Defendants Ronald J. Verbraeken and Roncar Transportation, Inc. (collectively “Defendants”) hereby remove this action from the Court of Common Pleas, Third Judicial Circuit, Williamsburg County, State of South Carolina, to this Court. In support of their petition and Notice of Removal, Defendants state as follows:

1. Defendants file this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446. This Notice of Removal is being filed with this Court within thirty (30) days of Defendants’ receipt of a copy of the initial pleading setting forth the claim for relief upon which such proceeding is based, as provided by 28 U.S.C. § 1446(b).

2. Plaintiff Icee Deasia Brown, commenced this action against Defendants in the Court of Common Pleas, Third Judicial Circuit, Williamsburg County, State of South Carolina, by filing a Summons and Complaint on December 29, 2021, styled *Icee Deasia Brown vs. Ronald J. Verbraeken and Roncar Transportation, Inc.*, Case No. 2021CP4500457. Service was effected on Defendant Ronald J. Verbraeken on February 1, 2022. Service was effected on Defendant Roncar Transportation, Inc. on February 1, 2022.

3. Plaintiff allegedly was an occupant of an automobile in a vehicle collision with a commercial motor vehicle driven by Ronald J. Verbraeken, who allegedly was operating the vehicle under the other Defendant's alleged collective authority and within his scope of employment with Defendant. (Complaint ¶ 4)

4. Based on Plaintiff's Complaint, Plaintiff is a citizen and resident of the County of Florence, State of South Carolina.

5. Defendant Ronald J. Verbraeken is a citizen and resident of Ontario, Canada.

6. Defendant Roncar Transportation, Inc. is a corporation domiciled in and with its principal place of business in Ontario, Canada.

7. Plaintiff's Complaint alleges negligence against Defendant Ronald J. Verbraeken arising from his operation of the commercial motor vehicle. (Complaint ¶¶ 5, 8 A-H)

8. Plaintiff's Complaint alleges negligence against Defendants Ronald J. Verbraeken and Roncar Transportation, Inc. arising from their alleged hiring and supervision of Defendant Ronald J. Verbraeken and alleged failure to comply with the United States Department of Transportation Federal Motor Safety Regulations. (Complaint ¶ 8 I)

9. Plaintiff's Complaint alleges liability pertaining to Roncar Transportation, Inc. under the doctrine of respondent superior for actions taken by Defendant Ronald J. Verbraeken under the scope of his employment. (Complaint ¶ 8)

10. There is complete diversity of citizenship between the parties.

11. Plaintiff alleges she has suffered "severe and painful injuries ... neck pain and back pain; resultant medical expenses, treatment, past, present, and future; physical pain and suffering past, present and future; disability and loss of quality of life, past, present and future; [and] .... mental and emotional distress, past, present and future." Plaintiff also seeks punitive damages.

Defendants infer and believe that aforementioned damages described and claimed do exceed \$75,000, exclusive of interest and costs. This Court therefore also has original jurisdiction over these claims pursuant to 28 U.S.C. § 1332.

12. Pursuant to 28 U.S.C. § 1446(a), copies of all papers filed or served on Defendants in the State court are attached as Exhibit A.

WHEREFORE, Defendants hereby remove this action to this Court and request that this Court assume jurisdiction over this action, that the action in the State court be stayed, and that this action proceed to final determination thereof.

Respectfully submitted,

/s/ R. Scott Wallinger, Jr.

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***Counsel for Defendants***

March 1, 2022

Charleston, South Carolina